

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SCOTT KASEBURG *et al.*,

Plaintiffs,

v.

PORT OF SEATTLE, a municipal corporation;  
PUGET SOUND ENERGY, INC., a Washington for  
profit corporation and KING COUNTY, a home rule  
charter county, and CENTRAL PUGET SOUND  
REGIONAL TRANSIT AUTHORITY, a municipal  
corporation, and CASCADE WATER ALLIANCE,

Defendants.

No. 14-cv-00784-JCC

DECLARATION OF DAVID  
HACKETT

NOTE ON MOTION CALENDAR:  
AUGUST 7, 2015

I, David Hackett, declare and state the following:

1. I am over eighteen years of age. I am a Senior Deputy Prosecutor in the Civil Division and an attorney of record for King County in this matter. I have personal knowledge of the facts contained in this declaration and am otherwise competent to testify to the matters in this declaration.

2. I met with Tom Stewart, counsel for the Plaintiffs, telephonically on June 24, 2015 to discuss the Plaintiffs' objections to discovery. The Plaintiffs refused to alter their

DECLARATION OF DAVID HACKETT – Page 1  
No. 15-cv-00284 MJP

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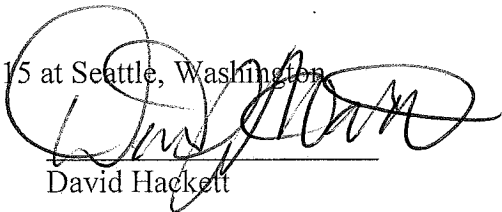
1 positions, and their counsel confirmed that the parties have reached an impasse requiring  
2 resolution of the Court.

3 3. Attached as Exhibit A is a true and correct copy of Defendant King County's First  
4 Set of Interrogatories and Requests for Production to Each Individually Named Plaintiff, dated  
5 April 6, 2015.

6 4. Attached as Exhibit B is a true and correct copy of Individually Named Plaintiffs'  
7 Answers and Objections to Defendant King County's First Set of Interrogatories and Requests  
8 for Production of Documents, dated April 27, 2015.

9 5. Attached as Exhibit C is a true and correct copy of a letter from Elizabeth  
10 McCulley to Andrew Marcuse, dated August 13, 2014.

11  
12  
13 Dated this 23<sup>rd</sup> day of July, 2015 at Seattle, Washington

14   
15 David Hackett  
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# EXHIBIT A

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SCOTT AND KATHRYN KASEBURG, )  
MARTIN FEDIGAN, )  
BARBARA BERGSTROM, )  
KIM AND PAMELA KAISER, )  
DAVID AND KELLI KOMENDAT, )  
WILLIAM AND SUSAN BLOKKER, )  
DAVID AND SALLY MCCRAY, )  
JOHN LORGE, III AND NANCY LORGE, )  
JOHN AND MOLLY HOWELL, )  
DARIUS AND VICKI RICHARDS, )  
GEORGE AND NANCY JOHNSTON, )  
GREGORY AND SHERRE PIANTANIDA, )  
PAUL AND CHRISTINE FERGEN, )  
KEVIN IDEN, )  
TOM AND KAREN EASTON, )  
PAUL AND KARYN PASQUIER, )  
JOHN HOUTZ, )  
TERENCE AND KARI BLOCK, )  
LARRY AND SUSAN KOLESAR, )  
JOHN AND REBECCA LAUGHLIN, )  
JEFFREY AND TAMI RILEY, )  
NANCY MANZ, )  
DONALD AND PATRICIA DANA, )  
CHRISTIE MUELLER, DENISE HARRIS, )  
WALTER MOORE, )  
TOM AND KATHY DAHLBY, )  
HARRY DURSCH AND KIRSTEN LEMKE, )  
RICHARD VAUGHN, )  
RICHARD S. AND LOIS HOWELL, DONALD )

No. 14-cv-00784-JCC

DEFENDANT KING COUNTY'S  
FIRST SET OF INTERROGATORIES  
AND REQUESTS FOR PRODUCTION  
TO EACH INDIVIDUALLY NAMED  
PLAINTIFF

DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -1

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1 AND PATRICIA LOCKNER, )  
 MARJORIE GRUNDHAUS, )  
 2 WILLIAM AND DEBRA KEPPLER, )  
 CURTIS AND JULIE DICKERSON, )  
 3 GREGORY AND PATRICIA LASEK, )  
 YONGTAO CHEN AND QIN LI, )  
 4 ROBERT AND ALISON TAYLOR, )  
 EDMUND JONES, )  
 5 DONALD MILLER AND SUSAN MINER, )  
 RONALD AND CAROL JONES, )  
 6 STEVE AND SHERRI SMOLINSKE, )  
 JOSEPH IOPPOLO, RICHARD AND LYNN )  
 7 KANER, BRADLEY R. AND GREGORY P. )  
 ELFERS, PAUL REMINGTON, )  
 8 JOHN BURROUGHS AND ELIZABETH )  
 MANN, )  
 9 BRUCE AND MARY ERIKSON, )  
 TIMOTHY AND VIRGINIA RILEY, )  
 10 JAMES AND KELLY SATHER, )  
 JULIAN LIMITED PARTNERSHIP, )  
 11 STEVEN AND KRISTEN BRACE, )  
 CHARLES AND COURTNI BILLOW, )  
 12 HAROLD A. BRUCE, )  
 PIERRE & CRISTI THIRY, )  
 13 MICHAEL FRANCESHINA, )  
 MICHAEL AND GINA OLDHAM, )  
 14 STEPHEN AND NANCY PORTER, )  
 ROBERT AND JANIS LARIS, )  
 15 MICHAEL AND ELANA RUSSELL, )  
 UMA SHENOY, )  
 16 LARRY AND SUSAN PETERSON, )  
 JOSEPH AND KRISTIN PETERSON, )  
 17 JOHN PATRICK HEILY AND SUNDAY )  
 KYRKOS, )  
 18 PAUL AND TRACY GIBBONS, )  
 DAYTON AND MARILYNN DENNISON, )  
 19 GREGORY NICK, )  
 DIVERSITY ASSETS, LLC, )  
 20 JAMES JOHNSON, DAVID WILLIAMSON )  
 AND KRISTI SUNDERLAND, )  
 21 CLAUDIA MANSFIELD, )  
 KEVIN AND REBECCA LINDAHL, KEVIN )  
 22 TRAN, )  
 JEANNE DEMUND AND LOU XU, )  
 23 KATHY HAGGART AND DAWN LAWSON, )

DEFENDANT KING COUNTY'S FIRST SET OF  
 INTERROGATORIES AND REQUESTS FOR  
 PRODUCTION TO EACH INDIVIDUALLY NAMED  
 PLAINTIFF (14-cv-00784-JCC) -2

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MARLENE WINTER, JIE AO AND XIN ZHOU,  
 PACIFIC HOLDINGS, LLC, JAMES TASCA,  
 MICHAEL AND AMANDA CHAN,  
 GARY WEIL, DALE AND MARLA MITCHELL,  
 and FREDERICK AND SUSAN MILLER,

Plaintiffs,

vs.

PORT OF SEATTLE, a municipal corporation;  
 PUGET SOUND ENERGY, INC., a Washington  
 for profit corporation and KING COUNTY, a  
 home rule charter county, and CENTRAL PUGET  
 SOUND REGIONAL TRANSIT AUTHORITY, a  
 municipal corporation,

Defendants.

TO: Each and every individually named plaintiff in this action

AND TO: Daryl A. Deutsch, Thomas S. Stewart, and Elizabeth McCulley, Attorneys for Plaintiffs

In accordance with CR 26, CR 33 and CR 34, each plaintiff named above is hereby  
 required to answer, in writing, the following interrogatories with respect to their specific  
 property interests **separately and fully** under oath, within thirty (30) days of their service upon  
 you. These interrogatories are deemed continuing in nature and you must supplement your  
 answers pursuant to CR 26(e).

#### PRELIMINARY STATEMENT

These interrogatories call for all information (including information contained in or on  
 writings, recordings, photographs, or any other tangible thing or material) that is known or  
 available to you, including all information in possession of your doctors, agents, attorneys,

DEFENDANT KING COUNTY'S FIRST SET OF  
 INTERROGATORIES AND REQUESTS FOR  
 PRODUCTION TO EACH INDIVIDUALLY NAMED  
 PLAINTIFF (14-cv-00784-JCC) -3

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1 accountants, auditors or other persons or experts and any investigators or any person acting on  
2 your behalf or under you or your attorneys' employment, direction and/or control.

3 If you are asserting that part of any response to an interrogatory is privileged, specify the  
4 grounds therefore, identify the alleged privileged documents or conversations by date, author,  
5 recipient and general subject matter, and provide all information responsive to the interrogatory  
6 which does not fall within your claim of privilege.

7 Unless conclusively negated by the context of the question, the following is to be  
8 considered applicable to all questions contained in this set of written interrogatories:

9 A. The singular number and the masculine gender as used herein shall embrace, and  
10 be read and applied as, the plural or the feminine or the neuter, as the circumstances may make  
11 appropriate.

12 B. The word "person" includes the plural as well as the singular and includes any  
13 natural person, firm, association, partnership, corporation, or other form of legal entity.

14 C. Each interrogatory is intended to, and does request that each and every particular  
15 and part thereof be answered with the same force and effect as if each part and particular were  
16 the subject of and were asked by a separate interrogatory.

17 D. The terms "document" and/or "writing" mean and include, but are not limited to,  
18 any printed, typewritten, or handwritten matter of whatever character, and every other form of  
19 recording upon any tangible thing.

20 E. Whenever you are asked to identify any document or writing, state with respect to  
21 each such document or writing:

22 (a) The date it bears and the date it was prepared,

23 (b) The identity of the author and/or originator,

DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -4

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- (c) The identity of each addressee,
- (d) The nature and substance thereof,
- (e) The identity of the present custodian thereof,
- (f) The present location of the document, and
- (g) Whether you will provide a copy thereof without further request.

F. Whenever you are asked to identify or describe an oral communication or conversation, state with respect thereto:

- (a) The date and place thereof and whether it was in person or by telephone;
- (b) The identity of each person who participated in or heard any part of communication,
- (c) The substance of what was said by each person who participated therein,
- and
- (d) The identity of any document that recorded, summarized or confirmed the oral communication.

G. Whenever you are asked to identify any person, state with respect to such person:

- (a) The person's name,
- (b) Such person's last known business address and telephone number,
- (c) Such person's last known residence address and telephone number,
- (d) Such person's present occupation and business affiliation, and
- (e) Such person's occupation and business affiliation of the time to which your answer relates.



1 H. The term "Corridor" as used herein refers to the portion of the East Side Rail  
 2 Corridor that runs from milepost 5.0 near Kenndale to milepost 10.6 at Wilburton along the  
 3 Eastern Shore of Lake Washington in King County, Washington.

4 You are hereby notified that the following interrogatories shall be deemed continuing,  
 5 and any additional information, including any conclusions, opinions or contentions that are  
 6 different from those set forth in plaintiff's answers relating in any way to these interrogatories,  
 7 which the plaintiff acquires subsequent to the date of answering these interrogatories and up to  
 8 and including the date of trial, shall be furnished to defendant promptly after such information is  
 9 acquired.

#### 10 INTERROGATORIES

11  
 12 INTERROGATORY NO. 1. In your complaint, you allege that you own fee title in land that is  
 13 adjacent to the Corridor. Please identify and list the parcel number(s) for any property adjacent  
 14 to the Corridor that you **currently** own, whether any other person or entity has an ownership or  
 possessory interest in your parcel(s), the date and method (purchase, will, gift, etc.) that you  
 acquired your parcel(s), and the name of the transferor(s).

15 ANSWER:

16  
 17 INTERROGATORY NO. 2. For any parcel(s) identified in your answer to Interrogatory No. 1,  
 18 list any challenges or appeals that you have made to your property tax assessments, including the  
 date of the appeal, the nature of the appeal and the outcome of the appeal.

19 ANSWER:

20  
 21 INTERROGATORY NO. 3. For any parcel(s) identified in your answer to Interrogatory No. 1,  
 22 identify all telegraph, telephone, fiber optic cable, electrical wires, utilities, poles, pipes, conduit  
 or equipment located on or under the Corridor adjacent to your parcel(s), including the location  
 and nature of such uses.

23  
 DEFENDANT KING COUNTY'S FIRST SET OF  
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1 ANSWER:

2  
3 INTERROGATORY NO. 4. For any parcel(s) identified in your answer to Interrogatory No. 1,  
4 list any building, grading, or shoreline permits that you have sought for the parcel(s), including  
5 the date of the request, a description of the proposed work, the status of the request, and the  
6 status of the project.

7 ANSWER:

8 INTERROGATORY NO. 5. For any parcel(s) identified in your answer to Interrogatory No. 1,  
9 list each *specific* instance where King County, its agents, employees or representatives, have  
10 claimed a property interest in the portion of the Corridor adjacent to your parcel(s) that is  
11 contrary to your property interest, including the date of the claim, the identity of the speaker, the  
12 nature of the claim, and why you feel it is contrary to your property interests.

13 ANSWER:

14 INTERROGATORY NO. 6. For any parcel(s) identified in your answer to Interrogatory No. 1,  
15 list any structures, driveways, sidewalks, landscaping, fences, retaining walls, or other  
16 encroachments (collectively "encroachments") owned by you or others that are located on or  
17 within the Corridor. Include the date that the encroachment was constructed or placed, the  
18 nature and location of the encroachment, whether the encroachment was authorized by BNSF or  
19 any other person or entity, whether a survey addresses the encroachment, whether construction  
20 of the encroachment was permitted and whether the encroachment is currently authorized by a  
21 special use permit, license, agreement or other authorization issued by King County or a  
22 predecessor to King County's property rights in the Corridor.

23 ANSWER:

INTERROGATORY NO. 7. For any parcel(s) identified in your answer to Interrogatory No. 1,  
state whether you have the right to construct improvements, landscaping, or otherwise make use  
of the portions of the Corridor that are adjacent to your parcel(s) and whether you have exercised  
this right or plan to do so in the future.

ANSWER:

DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -7

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1  
2  
3 INTERROGATORY NO. 8. For any parcel(s) identified in your answer to Interrogatory No. 1,  
4 list any sales (or potential sales), rentals, or leases (or potential rentals or leases) of the parcel(s)  
5 that you believe were impacted by the dispute between you and King County regarding the scope  
6 of your property rights in the Corridor. Include the date of the sale, rental or lease, the pricing  
7 terms, the parties to the transaction, and explain how you believe the current property dispute  
8 between you and King County affected the transaction.

9  
10 ANSWER:

11  
12 INTERROGATORY NO. 9. For any parcel(s) identified in your answer to Interrogatory No. 1,  
13 describe your understanding regarding the King County's current property rights in the portion  
14 of the Corridor where you claim to own property rights, including what uses King County may  
15 carry out within this portion of the Corridor without your permission and/or without  
16 compensation to you (including without limitation grants to third parties) and what uses you may  
17 carry out within this portion of the Corridor without permission from King County.

18  
19 ANSWER:

20  
21 INTERROGATORY NO. 10. With regard to your claim that King County possesses only a  
22 surface easement for a recreational trail with the potential reactivation of a railroad, describe  
23 your understanding and belief as to the following (1) the width of the easement, (2) whether the  
dimensions of the easement are co-extensive with the dimensions of the Corridor, (3) whether  
King County has the right to construct a trail within the easement, (4) whether King County has  
the right to place the trail anywhere within the boundaries of the easement, (5) whether the right  
to construct a trail includes the right to install drainage, signage, lighting, and/or other facilities  
that are related to construction and operation of the trail, and (6) whether King County can  
require you to remove any improvements or landscaping from the Corridor or easement area that  
interfere with trail construction and/or operation.

24  
25 ANSWER:

26  
27 INTERROGATORY NO. 11. Have you filed for bankruptcy during the period that you have  
28 owned the parcel(s) identified in Interrogatory No. 1? If so, list the date of the bankruptcy filing,  
29 the jurisdiction where you sought bankruptcy protection, and the cause number.

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DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -8

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1 ANSWER:

2  
3 INTERROGATORY NO. 12. For any parcel(s) identified in your answer to Interrogatory No. 1,  
4 has the parcel(s) been the subject of a judicial or non-judicial foreclosure proceeding? If so, list  
the date of the foreclosure procedure, the type of foreclosure proceeding, the jurisdiction of the  
foreclosure proceeding, and any cause number associated with the proceeding.

5  
6 ANSWER:

7 INTERROGATORY NO. 13. In your complaint, you allege the property you own adjacent to  
the Corridor "includes the fee title to all that property to the centerline of the abandoned right-of-  
8 way that is now subject to an easement for an interim trail and possible future railroad  
reactivation." Please identify all facts and documents which support your allegation that your  
9 fee title includes property to the centerline of the right-of-way.

10  
11 ANSWER:

12 INTERROGATORY NO. 14. For any parcel identified in your answer to Interrogatory No. 1,  
list any permits, licenses, or permissions that you (or the former owners of your parcel(s)) sought  
13 or obtained from the railroad, the Port of Seattle, King County, or their predecessor in interest,  
that grants you (or the former owners of your property) permission to use property within the  
14 Corridor. This includes, but is not limited to, crossing permits, permits for parking or  
landscaping, permits to construct improvements, or permission allowing any other use.

15  
16 ANSWER:

17 INTERROGATORY NO. 15. For any parcel identified in your answer to Interrogatory No. 1,  
18 please list and describe any communication you (or the former owners of your parcel(s)) have  
had with the railroad, the Port of Seattle, or King County regarding the Corridor or use of the  
19 Corridor?

20  
21 ANSWER:

22 INTERROGATORY NO. 16. For any parcel identified in your answer to Interrogatory No. 1,  
23 have you ever made any other claims, filed any other suits, or received any payments for damage  
to, diminution in value of or takings? If so, describe the claims or, if suit was filed, state the

DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -9

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1 courts, and the captions in which filed, the years filed, the titles and docket numbers of the suits,  
2 and state whether you received any payment and/or other consideration from any person as a  
3 result of the claims or suits, including any settlements, and identify all documents that refer or  
4 relate thereto.

5  
6 ANSWER:

7  
8 REQUESTS FOR PRODUCTION

9 REQUEST FOR PRODUCTION A. Please produce all documents associated with the  
10 acquisition of any parcel(s) identified in your answer to Interrogatory No. 1 or otherwise  
11 associated with your answer to Interrogatory No. 1, including but not limited to, real estate  
12 contracts, purchase and sale agreements, title insurance and any other documents containing a  
13 legal description of the property.

14 RESPONSE:

15  
16 REQUEST FOR PRODUCTION B. Please produce all documents associated with the refinance  
17 of any parcel(s) identified in your answer to Interrogatory No. 1, including but not limited to title  
18 insurance and any other documents containing a legal description of the property.

19 RESPONSE:

20  
21 REQUEST FOR PRODUCTION C. Please produce any additional appraisals of any parcel(s)  
22 identified in your answer to Interrogatory No. 1 that were not produced in response to request for  
23 production A or B.

RESPONSE:

REQUEST FOR PRODUCTION D. Please produce all documents associated with any  
challenge or appeal of your property tax assessment for any parcel(s) identified in your answer to  
Interrogatory No. 1, or otherwise related to your answer to Interrogatory 2.

RESPONSE:

DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -10

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1 REQUEST FOR PRODUCTION E. Please produce all deeds within your chain of title and any  
2 documents associated with those deeds for any parcels identified in your answer to Interrogatory  
No. 1.

3 RESPONSE:

4 REQUEST FOR PRODUCTION F. Please produce all documents related to your answer to  
5 Interrogatory 4, including any correspondence or other documents addressing the subject of the  
interrogatory.

6 RESPONSE:

7  
8 REQUEST FOR PRODUCTION G. Please produce all documents related to your answer to  
9 Interrogatory 5, including any correspondence or other documents addressing the subject of the  
interrogatory.

10 RESPONSE:

11 REQUEST FOR PRODUCTION H. Please produce all documents related to your answer to  
12 Interrogatory 6, including but not limited to, letters, emails, surveys, maps, drawings,  
photographs, and special use permits.

13 RESPONSE:

14  
15 REQUEST FOR PRODUCTION I. Please produce all documents related to your answer to  
16 Interrogatory 7, including any correspondence, drawings, plans, permit applications, or other  
documents addressing the subject of the interrogatory.

17 RESPONSE:

18 REQUEST FOR PRODUCTION J. Please produce all documents related to your answer to  
19 Interrogatory 8, including any correspondence, agreements, draft agreements, due diligence  
documents or other documents addressing the subject of the interrogatory.

20 RESPONSE:

21  
22 REQUEST FOR PRODUCTION K. Please produce all documents related to your answer to  
23 Interrogatory 9, including any correspondence or other documents addressing the subject of the  
interrogatory.

DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -11

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819



1 RESPONSE:

2  
3 REQUEST FOR PRODUCTION L. Please produce all documents related to your answer to  
4 Interrogatory 10, including any correspondence or other documents addressing the subject of the  
interrogatory.

5 RESPONSE:

6  
7 REQUEST FOR PRODUCTION M. Please produce all documents related to your answer to  
8 Interrogatory 11, including any correspondence, court filings, or other documents addressing the  
subject of the interrogatory.

9 RESPONSE:

10 REQUEST FOR PRODUCTION N. Please produce all documents related to your answer to  
11 Interrogatory 12, including any correspondence, court filings, or other documents addressing the  
subject of the interrogatory.

12 RESPONSE:

13  
14 REQUEST FOR PRODUCTION O. Please produce all documents that relate to Interrogatory  
15 No. 13 and the allegation in your complaint that the property you own adjacent to the Corridor  
"includes the fee title to all that property to the centerline of the abandoned right-of-way that is  
now subject to an easement for an interim trail and possible future railroad reactivation."

16 RESPONSE:

17  
18 REQUEST FOR PRODUCTION P. Please produce all documents related to your answer to  
19 Interrogatory 14, including any correspondence, agreements, draft agreements or other  
documents addressing the subject of the interrogatory.

20 RESPONSE:

21 REQUEST FOR PRODUCTION Q. Please produce all documents related to your answer to  
22 Interrogatory No. 15, including any correspondence or other documents addressing the subject of  
the interrogatory.

23 RESPONSE:

DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -12

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

1  
2  
3 REQUEST FOR PRODUCTION R. Please produce all photographs, maps, diagrams, sketches,  
4 plans, specifications or drawings in your possession depicting any improvements or landscaping  
that are wholly or partially within the portions of the Corridor that are adjacent to any parcel(s)  
identified in your answer to Interrogatory No. 1.

5 RESPONSE:

6  
7 REQUEST FOR PRODUCTION S: Please produce any correspondence or other documents that  
8 relate to your ownership, use, or possession of the parcel(s) you identify in Interrogatory No. 1,  
or the Corridor.

9 RESPONSE:

10  
11 REQUEST FOR PRODUCTION T: Please produce all documents related to your answer to  
12 Interrogatory No. 16, including any correspondence, court filings, or other documents addressing  
the subject of the interrogatory.

13 RESPONSE:

14 REQUEST FOR PRODUCTION U. Please produce all documents related to any misdemeanor  
15 or felony conviction that you might have for a crime of dishonesty, including but not limited to,  
forgery, fraud, theft, shoplifting, perjury, and/or false swearing.

16 RESPONSE:

17  
18 REQUEST FOR PRODUCTION V. Please produce all property tax assessments and  
19 property tax documents that relate to any parcel(s) identified in your answer to Interrogatory  
No. 1.

20 RESPONSE:

21 REQUEST FOR PRODUCTION W. Please produce copies of any title reports that relate to any  
22 parcel(s) identified in your answer to Interrogatory No. 1, including but not limited to any title  
reports generated in connection with a mortgage or refinance of your property.

23  
DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -13

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819



1 RESPONSE:

2 REQUEST FOR PRODUCTION X. Please produce copies of sewer bills or septic pumping  
3 receipts that relate to any parcel(s) identified in your answer to Interrogatory No. 1.

4 RESPONSE:

5 Interrogatories DATED this 6<sup>th</sup> day of April, 2015 at Seattle, Washington.

7 DANIEL T. SATTERBERG

8 King County Prosecuting Attorney

9 By: 

10 DAVID J. HACKETT, WSBA #21236

11 ANDREW W. MARCUSE, WSBA #27552

12 Senior Deputy Prosecuting Attorneys

13 Attorneys for Defendant King County

14 500 Fourth Ave., 9<sup>th</sup> Floor

15 Seattle, WA. 98104

16 Telephone: (206) 296-8820 / Fax: (206) 296-8819

17 Email: [David.Hackett@Kingcounty.gov](mailto:David.Hackett@Kingcounty.gov)

18 [Andrew.Marcuse@Kingcounty.gov](mailto:Andrew.Marcuse@Kingcounty.gov)

19 Answers (and objections) DATED this \_\_\_\_\_ day of April, 2015 at Seattle, Washington.

20 By: \_\_\_\_\_

21 [Attorney Name], WSBA # \_\_\_\_\_

22 Attorneys for Plaintiff

23 Address \_\_\_\_\_

Telephone: / Fax: \_\_\_\_\_

Email Address \_\_\_\_\_

DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -14

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
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Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

ATTORNEY'S CR 26(g) CERTIFICATE

The undersigned attorney of record for plaintiff hereby certifies that he has reviewed the foregoing answers and responses to the Defendant King County's First Set of Interrogatories and Requests for Production to Plaintiff \_\_\_\_\_ and, to the best of his knowledge, information, and belief, formed after a reasonable inquiry they are consistent with CR 26(g) requirements.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Daryl A. Deutsch, WSBA # 11003  
Thomas S. Stewart  
Elizabeth McCulley  
Attorneys for Plaintiff

DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -15

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

VERIFICATION

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

\_\_\_\_\_, on oath and under penalty of perjury, says:

That I am a plaintiff in the above captioned action. I have read Defendant King County's sixteen foregoing interrogatories and answers thereto. The answers to the interrogatories are true and correct to the best of my knowledge and belief.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_, Plaintiff

SUBSCRIBED AND SWORN TO before me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Signature

Print name: \_\_\_\_\_

NOTARY PUBLIC in and for the State  
of Washington, residing at \_\_\_\_\_

My appointment expires: \_\_\_\_\_

DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -16

Daniel T. Satterberg, Prosecuting Attorney  
CIVIL DIVISION, Litigation Section  
900 King County Administration Building  
500 Fourth Avenue  
Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

**DECLARATION OF SERVICE**

I hereby certify that on April 6, 2015, I served the foregoing document(s) in the manner noted below to the following:

Daryl A. Deutsch, WSBA # 11003  
Attorney for Plaintiff  
Rodgers, Deutsch & Turner, PLLC  
Three Lake Bellevue Drive, Suite 100  
Bellevue, WA 98005  
Email: [daryl@rdtlaw.com](mailto:daryl@rdtlaw.com)  
**[Via Legal Messenger and E-Mail]**

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**[Via E-Mail]**

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DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -17

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cseim@riddellwilliams.com

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[Via E-Mail]

Desmond L. Brown, WSBA # 16232

Loren Armstrong, WSBA # 33068

Central Puget Sound Regional Transit Authority

401 S. Jackson Street

Seattle, WA 98104-2826

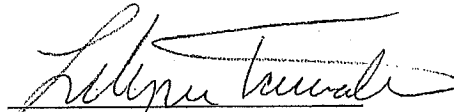
desmond.brown@soundtransit.org

loren.armstrong@soundtransit.org

[Via E-Mail]

I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 6<sup>th</sup> day of April, 2015 at Seattle, Washington.



Lebryna Tamaela

King County Prosecuting Attorney's Office

DEFENDANT KING COUNTY'S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO EACH INDIVIDUALLY NAMED  
PLAINTIFF (14-cv-00784-JCC) -18

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Seattle, Washington 98104  
(206) 296-8820 Fax (206) 296-8819

# EXHIBIT B

The Honorable John C. Coughenour

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SCOTT AND KATHRYN KASEBURG, et al.

Plaintiffs,

vs.

PORT OF SEATTLE, a municipal corporation;  
PUGET SOUND ENERGY, INC., a Washington  
for profit corporation and KING COUNTY, a  
home rule charter county, and CENTRAL  
PUGET SOUND REGIONAL TRANSIT  
AUTHORITY, a municipal corporation,

Defendants.

NO. 2:15-CV-00358-JCC

**INDIVIDUALLY NAMED  
PLAINTIFFS' ANSWERS AND  
OBJECTIONS TO DEFENDANT KING  
COUNTY'S FIRST SET OF  
INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS**

In accordance with CR 26, CR 33 and CR 34, each plaintiff named above is hereby required to answer, in writing, the following interrogatories with respect to their specific property interests separately and fully under oath, within thirty (30) days of their service upon you. These interrogatories are deemed continuing in nature and you must supplement your answers pursuant to CR 26(e).

INDIVIDUALLY NAMED PLAINTIFFS' ANSWERS  
AND OBJECTIONS TO DEFENDANT KING  
COUNTY'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS -  
2:15-cv-00358-JCC - Page 1

RODGERS DEUTSCH & TURNER, P.L.L.C.  
Attorneys At Law  
Three Lakes Bellevue Dr. Suite 100  
Bellevue, Washington 98005-2440  
Tel. (425)455-1110 Fax (425)455-1626

**PRELIMINARY STATEMENT**

These interrogatories call for all information (including information contained in or on writings, recordings, photographs, or any other tangible thing or material) that is known or available to you, including all information in possession of your doctors, agents, attorneys, accountants, auditors or other persons or experts and any investigators or any person acting on your behalf or under you or your attorneys' employment, direction and/or control.

If you are asserting that part of any response to an interrogatory is privileged, specify the grounds therefore, identify the alleged privileged documents or conversations by date, author, recipient and general subject matter, and provide all information responsive to the interrogatory which does not fall within your claim of privilege.

Unless conclusively negated by the context of the question, the following is to be considered applicable to all questions contained in this set of written interrogatories:

A. The singular number and the masculine gender as used herein shall embrace, and be read and applied as, the plural or the feminine or the neuter, as the circumstances may make appropriate.

B. The word "person" includes the plural as well as the singular and includes any natural person, firm, association, partnership, corporation, or other form of legal entity.

C. Each interrogatory is intended to, and does request that each and every particular and part thereof be answered with the same force and effect as if each part and particular were the subject of and were asked by a separate interrogatory.



1 D. The terms "document" and/or "writing" mean and include, but are not limited to,  
2 any printed, typewritten, or handwritten matter of whatever character, and every other form of  
3 recording upon any tangible thing.

4 E. Whenever you are asked to identify any document or writing, state with respect to  
5 each such document or writing:

- 6 (a) The date it bears and the date it was prepared,  
7 (b) The identity of the author and/or originator  
8 (c) The identity of each addressee,  
9 (d) The nature and substance thereof,  
10 (e) The identity of the present custodian thereof,  
11 (f) The present location of the document, and  
12 (g) Whether you will provide a copy thereof without further request.  
13

14 F. Whenever you are asked to identify or describe an oral communication or  
15 conversation, state with respect thereto:

- 16 (a) The date and place thereof and whether it was in person or by telephone;  
17 (b) The identity of each person who participated in or heard any part of  
18 communication,  
19 (c) The substance of what was said by each person who participated therein,  
20 and  
21 (d) The identity of any document that recorded, summarized or confirmed  
22 the oral communication.

23 G. Whenever you are asked to identify any person, state with respect to such  
24 person:  
25

- (a) The person's name,
- (b) Such person's last known business address and telephone number,
- (c) Such person's last known residence address and telephone number,
- (d) Such person's present occupation and business affiliation, and
- (e) Such person's occupation and business affiliation of the time to which your answer relates.

H. The term "Corridor" as used herein refers to the portion of the East Side Rail Corridor that runs from milepost 5.0 near Kenndale to milepost 10.6 at Wilburton along the Eastern Shore of Lake Washington in King County, Washington.

You are hereby notified that the following interrogatories shall be deemed continuing, and any additional information, including any conclusions, opinions or contentions that are different from those set forth in plaintiffs answers relating in any way to these interrogatories, which the plaintiff acquires subsequent to the date of answering these interrogatories and up to and including the date of trial, shall be furnished to defendant promptly after such information is acquired.

#### INTERROGATORIES

INTERROGATORY NO. 1. In your complaint, you allege that you own fee title in land that is adjacent to the Corridor. Please identify and list the parcel number(s) for any property adjacent to the Corridor that you currently own, whether any other person or entity has an ownership or possessory interest in your parcel(s), the date and method (purchase, will, gift, etc.) that you acquired your parcel(s), and the name of the transferor(s).

ANSWER: Plaintiffs object to this interrogatory because it is duplicative and the information has already been provided to Defendants in Plaintiffs' Complaint. Further, this information is publically available from King County Assessor.

1 INTERROGATORY NO. 2. For any parcel(s) identified in your answer to Interrogatory No. 1,  
2 list any challenges or appeals that you have made to your property tax assessments, including the  
3 date of the appeal, the nature of the appeal and the outcome of the appeal.

4 ANSWER: Plaintiffs object to this interrogatory because it is not legally relevant to the claims  
5 in Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad acquired  
6 and what interest the Defendants' currently hold, as well as legally irrelevant to quiet title and  
7 what interest the Plaintiffs currently hold. Plaintiffs further object as this request is harassment.

8 INTERROGATORY NO. 3. For any parcel(s) identified in your answer to Interrogatory No. 1,  
9 identify all telegraph, telephone, fiber optic cable, electrical wires, utilities, poles, pipes, conduit  
10 or equipment located on or under the Corridor adjacent to your parcel(s), including the location  
11 and nature of such uses.

12 ANSWER: Plaintiffs object to this interrogatory because it is not legally relevant to the claims  
13 in Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad acquired  
14 and what interest the Defendants' currently hold, as well as legally irrelevant to quiet title and  
15 what interest the Plaintiffs currently hold. Plaintiffs further object as this request is harassment.

16  
17 INTERROGATORY NO. 4. For any parcel(s) identified in your answer to Interrogatory No. 1,  
18 list any building, grading, or shoreline pennits that you have sought for the parcel(s), including  
19 the date of the request, a description of the proposed work, the status of the request, and the  
20 status of the project.

21 ANSWER: Plaintiffs object to this interrogatory because it is not legally relevant to the claims  
22 in Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad acquired  
23 and what interest the Defendants' currently hold, as well as legally irrelevant to quiet title and  
24 what interest the Plaintiffs currently hold. Plaintiffs further object as this request is harassment.

1 INTERROGATORY NO. 5. For any parcel(s) identified in your answer to Interrogatory No.  
2 1, list each *specific* instance where King County, its agents, employees or representatives,  
3 have claimed a property interest in the portion of the Corridor adjacent to your parcel(s) that  
4 is contrary to your property interest, including the date of the claim, the identity of the  
5 speaker, the nature of the claim, and why you feel it is contrary to your property interests.

6 ANSWER: Plaintiffs object to this interrogatory because it calls for a legal conclusion and is  
7  
8 duplicative because the information has already been provided to Defendants in Plaintiffs'  
9 Complaint.

10 INTERROGATORY NO. 6. For any parcel(s) identified in your answer to Interrogatory No.  
11 1, list any structures, driveways, sidewalks, landscaping, fences, retaining walls, or other  
12 encroachments (collectively "encroachments") owned by you or others that are located on or  
13 within the Corridor. Include the date that the encroachment was constructed or placed, the  
14 nature and location of the encroachment, whether the encroachment was authorized by BNSF  
15 or any other person or entity, whether a survey addresses the encroachment, whether  
16 construction of the encroachment was permitted and whether the encroachment is currently  
17 authorized by a special use permit, license, agreement or other authorization issued by King  
18 County or a predecessor to King County's property rights in the Corridor.

19 ANSWER: Plaintiffs object to this interrogatory because Plaintiffs own the underlying fee in  
20 the corridor and can use their property in a manner that does not interfere with the current  
21 easement for a recreational trail.

22 INTERROGATORY NO. 7. For any parcel(s) identified in your answer to Interrogatory No. 1,  
23 state whether you have the right to construct improvements, landscaping, or otherwise make use  
24 of the portions of the Corridor that are adjacent to your parcel(s) and whether you have exercised  
25 this right or plan to do so in the future.

ANSWER: Plaintiffs object to this interrogatory because Plaintiffs own the underlying fee in  
the corridor and can use their property in a manner that does not interfere with the current  
easement for a recreational trail.

1 INTERROGATORY NO. 8. For any parcel(s) identified in your answer to Interrogatory No. 1,  
2 list any sales (or potential sales), rentals, or leases (or potential rentals or leases) of the parcel(s)  
3 that you believe were impacted by the dispute between you and King County regarding the scope  
4 of your property rights in the Corridor. Include the date of the sale, rental or lease, the pricing  
5 terms, the parties to the transaction, and explain how you believe the current property dispute  
6 between you and King County affected the transaction.

7 ANSWER: Plaintiffs object to this interrogatory because it calls for a legal conclusion and  
8 Plaintiffs own the underlying fee in the corridor and can use their property in a manner that does  
9 not interfere with the current easement for a recreational trail.

10 INTERROGATORY NO. 9. For any parcel(s) identified in your answer to Interrogatory No.  
11 1, describe your understanding regarding the King County's current property rights in the  
12 portion of the Corridor where you claim to own property rights, including what uses King  
13 County may carry out within this portion of the Corridor without your permission and/or  
14 without compensation to you (including without limitation grants to third parties) and what  
15 uses you may carry out within this portion of the Corridor without permission from King  
16 County.

17 ANSWER: Plaintiffs object to this interrogatory because it calls for a legal conclusion and  
18 Plaintiffs own the underlying fee in the corridor and can use their property in a manner that does  
19 not interfere with the current easement for a recreational trail.

20 INTERROGATORY NO. 10. With regard to your claim that King County possesses only a  
21 surface easement for a recreational trail with the potential reactivation of a railroad, describe  
22 your understanding and belief as to the following (1) the width of the easement, (2) whether  
23 the dimensions of the easement are co-extensive with the dimensions of the Corridor, (3)  
24 whether King County has the right to construct a trail within the easement, (4) whether King  
25 County has the right to place the trail anywhere within the boundaries of the easement, (5)  
whether the right to construct a trail includes the right to install drainage, signage, lighting,  
and/or other facilities that are related to construction and operation of the trail, and (6)  
whether King County can require you to remove any improvements or landscaping from the  
Corridor or easement area that interfere with trail construction and/or operation.

1 ANSWER: Plaintiffs object to this interrogatory because it calls for a legal conclusion regarding  
2 the width of the corridor and Plaintiffs own the underlying fee in the corridor and can use their  
3 property in a manner that does not interfere with the current easement for a recreational trail.  
4

5 INTERROGATORY NO. 11. Have you filed for bankruptcy during the period that you have  
6 owned the parcel(s) identified in Interrogatory No. 1? If so, list the date of the bankruptcy filing,  
7 the jurisdiction where you sought bankruptcy protection, and the cause number.

8 ANSWER: Plaintiffs object to this interrogatory because it is not legally relevant to the claims in  
9 Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad acquired and  
10 what interest the Defendants' currently hold, as well as legally irrelevant to quiet title and what  
11 interest the Plaintiffs currently hold. Plaintiffs further object as this request is harassment.  
12

13 INTERROGATORY NO. 12. For any parcel(s) identified in your answer to Interrogatory No. 1,  
14 has the parcel(s) been the subject of a judicial or non-judicial foreclosure proceeding? If so, list  
15 the date of the foreclosure procedure, the type of foreclosure proceeding, the jurisdiction of the  
foreclosure proceeding, and any cause number associated with the proceeding.

16 ANSWER: Plaintiffs object to this interrogatory because it is not legally relevant to the claims  
17 in Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad acquired  
18 and what interest the Defendants' currently hold, as well as legally irrelevant to quiet title and  
19 what interest the Plaintiffs currently hold. Plaintiffs further object as this request is harassment.  
20

21  
22 INTERROGATORY NO. 13. In your complaint, you allege the property you own adjacent to  
23 the Corridor "includes the fee title to all that property to the centerline of the abandoned right-of-  
24 way that is now subject to an easement for an interim trail and possible future railroad  
reactivation." Please identify all facts and documents which support your allegation that your fee  
25 title includes property to the centerline of the right-of-way.



1 ANSWER: Plaintiffs object to this interrogatory because it calls for a legal conclusion and  
2 Plaintiffs own the underlying fee in the corridor under Washington and federal law.  
3

4 INTERROGATORY NO. 14. For any parcel identified in your answer to Interrogatory No. 1,  
5 list any permits, licenses, or permissions that you (or the former owners of your parcel(s))  
6 sought or obtained from the railroad, the Port of Seattle, King County, or their predecessor in  
7 interest, that grants you (or the former owners of your property) permission to use property  
8 within the Corridor. This includes, but is not limited to, crossing permits, permits for parking  
9 or landscaping, permits to construct improvements, or permission allowing any other use.

10 ANSWER: Plaintiffs object to this interrogatory because it is not legally relevant to the claims  
11 in Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad acquired  
12 and what interest the Defendants' currently hold, as well as legally irrelevant to quiet title and  
13 what interest the Plaintiffs currently hold. Plaintiffs further object as this request is harassment  
14 and the information is publically available.

15 INTERROGATORY NO. 15. For any parcel identified in your answer to Interrogatory No. 1,  
16 please list and describe any communication you (or the former owners of your parcel(s)) have  
17 had with the railroad, the Port of Seattle, or King County regarding the Corridor or use of the  
18 Corridor?

19 ANSWER: Plaintiffs object to this interrogatory because it is not legally relevant to the claims  
20 in Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad acquired  
21 and what interest the Defendants' currently hold, as well as legally irrelevant to quiet title and  
22 what interest the Plaintiffs currently hold. Plaintiffs further object as this request is harassment  
23 and the information is publically available.  
24  
25

INTERROGATORY NO. 16. For any parcel identified in your answer to Interrogatory No. 1, have you ever made any other claims, filed any other suits, or received any payments for damage to, diminution in value of or takings? If so, describe the claims or, if suit was filed, state the courts, and the captions in which filed, the years filed, the titles and docket numbers of the suits, and state whether you received any payment and/or other consideration from any person as a result of the claims or suits, including any settlements, and identify all documents that refer or relate thereto.

ANSWER: Plaintiffs object to this interrogatory because any previous negotiated settlements or lawsuits have no bearing to this case, it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad acquired and what interest the Defendants' currently hold, as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold. Plaintiffs further object as this request is harassment and the information is publically available.

#### REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION A. Please produce all documents associated with the acquisition of any parcel(s) identified in your answer to Interrogatory No. 1 or otherwise associated with your answer to Interrogatory No. 1, including but not limited to, real estate contracts, purchase and sale agreements, title insurance and any other documents containing a legal description of the property.

RESPONSE: Plaintiffs object to this request because it is duplicative and the information has already been provided to Defendants in Plaintiffs' Complaint. Further, this information is publically available from King County Assessor.

REQUEST FOR PRODUCTION B. Please produce all documents associated with the refinance of any parcel(s) identified in your answer to Interrogatory No. 1, including but not limited to title insurance and any other documents containing a legal description of the property.

RESPONSE: Plaintiffs object to this request because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad acquired and



1 what interest the Defendants' currently hold, as well as legally irrelevant to quiet title and what  
2 interest the Plaintiffs currently hold. Plaintiffs further object as this request is harassment.

3  
4 REQUEST FOR PRODUCTION C. Please produce any additional appraisals of any parcel(s)  
5 identified in your answer to Interrogatory No. 1 that were not produced in response to request for  
production A or B.

6 RESPONSE: Plaintiffs object to this request because it is not legally relevant to the claims in  
7 Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad acquired and  
8 what interest the Defendants' currently hold, as well as legally irrelevant to quiet title and what  
9 interest the Plaintiffs currently hold. Plaintiffs further object as this request is harassment.  
10

11  
12 REQUEST FOR PRODUCTION D. Please produce all documents associated with any  
13 challenge or appeal of your property tax assessment for any parcel(s) identified in your answer to  
Interrogatory No. 1, or otherwise related to your answer to Interrogatory 2.

14 RESPONSE: Plaintiffs object to this request because it is not legally relevant to the claims in  
15 Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad acquired and  
16 what interest the Defendants' currently hold, as well as legally irrelevant to quiet title and what  
17 interest the Plaintiffs currently hold. Plaintiffs further object as this request is harassment.  
18

19  
20 REQUEST FOR PRODUCTION E. Please produce all deeds within your chain of title and any  
21 documents associated with those deeds for any parcels identified in your answer to Interrogatory  
No. 1.

22 RESPONSE: Plaintiffs object to this request because it is duplicative and the only relevant  
23 information concerning ownership has already been provided to Defendants in Plaintiffs'  
24

1 Complaint by the ownership deeds produced. Further, this information is publically available  
2 from King County Assessor. Plaintiffs further object as this request is harassment.

3  
4 REQUEST FOR PRODUCTION F. Please produce all documents related to your answer to  
5 Interrogatory 4, including any correspondence or other documents addressing the subject of the  
6 interrogatory.

7 RESPONSE: Plaintiffs object to this request because it is not legally relevant to the claims in  
8 Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad acquired and  
9 what interest the Defendants' currently hold, as well as legally irrelevant to quiet title and what  
10 interest the Plaintiffs currently hold. Plaintiffs further object as this request is harassment.

11  
12 REQUEST FOR PRODUCTION G. Please produce all documents related to your answer to  
13 Interrogatory 5, including any correspondence or other documents addressing the subject of the  
14 interrogatory.

15 RESPONSE: Plaintiffs object to this request because it is duplicative, irrelevant, and the only  
16 relevant information concerning ownership has already been provided to Defendants in  
17 Plaintiffs' Complaint by the ownership deeds produced. Plaintiffs further object to this request  
18 because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory  
19 judgment as to the interest the railroad acquired and what interest the Defendants' currently hold,  
20 as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold.

21  
22 REQUEST FOR PRODUCTION H. Please produce all documents related to your answer to  
23 Interrogatory 6, including but not limited to, letters, emails, surveys, maps, drawings,  
24 photographs, and special use permits.

1 RESPONSE: Plaintiffs object to this request because it is duplicative, irrelevant, and the only  
2 relevant information concerning ownership has already been provided to Defendants in  
3 Plaintiffs' Complaint by the ownership deeds produced. Plaintiffs further object to this request  
4 because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory  
5 judgment as to the interest the railroad acquired and what interest the Defendants' currently hold,  
6 as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold.  
7

8 REQUEST FOR PRODUCTION I. Please produce all documents related to your answer to  
9 Interrogatory 7, including any correspondence, drawings, plans, permit applications, or other  
10 documents addressing the subject of the interrogatory.

11 RESPONSE: Plaintiffs object to this request because it is duplicative, irrelevant, and the only  
12 relevant information concerning ownership has already been provided to Defendants in  
13 Plaintiffs' Complaint by the ownership deeds produced. Plaintiffs further object to this request  
14 because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory  
15 judgment as to the interest the railroad acquired and what interest the Defendants' currently hold,  
16 as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold.  
17

18 REQUEST FOR PRODUCTION J. Please produce all documents related to your answer to  
19 Interrogatory 8, including any correspondence, agreements, draft agreements, due diligence  
20 documents or other documents addressing the subject of the interrogatory.

21 RESPONSE: Plaintiffs object to this request because it is duplicative, irrelevant, and the only  
22 relevant information concerning ownership has already been provided to Defendants in  
23 Plaintiffs' Complaint by the ownership deeds produced. Plaintiffs further object to this request  
24 because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory  
25

1 judgment as to the interest the railroad acquired and what interest the Defendants' currently hold,  
2 as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold.

3  
4 REQUEST FOR PRODUCTION K. Please produce all documents related to your answer to  
5 Interrogatory 9, including any correspondence or other documents addressing the subject of the  
6 interrogatory.

7 RESPONSE: Plaintiffs further object to this request because it is not legally relevant to the  
8 claims in Plaintiffs complaint, specifically declaratory judgment as to the interest the railroad  
9 acquired and what interest the Defendants' currently hold, as well as legally irrelevant to quiet  
10 title and what interest the Plaintiffs currently hold.

11  
12 REQUEST FOR PRODUCTION L. Please produce all documents related to your answer to  
13 Interrogatory 10, including any correspondence or other documents addressing the subject of the  
14 interrogatory.

15 RESPONSE: Plaintiffs object to this request because it is duplicative, irrelevant, and the only  
16 relevant information concerning ownership has already been provided to Defendants in  
17 Plaintiffs' Complaint by the ownership deeds produced. Plaintiffs further object to this request  
18 because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory  
19 judgment as to the interest the railroad acquired and what interest the Defendants' currently hold,  
20 as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold.

21  
22 REQUEST FOR PRODUCTION M. Please produce all documents related to your answer to  
23 Interrogatory 11, including any correspondence, court filings, or other documents addressing the  
24 subject of the interrogatory.

1 RESPONSE: Plaintiffs object to this request because it is duplicative, irrelevant, and the only  
2 relevant information concerning ownership has already been provided to Defendants in  
3 Plaintiffs' Complaint by the ownership deeds produced. Plaintiffs further object to this request  
4 because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory  
5 judgment as to the interest the railroad acquired and what interest the Defendants' currently hold,  
6 as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold.

7  
8 REQUEST FOR PRODUCTION N. Please produce all documents related to your answer to  
9 Interrogatory 12, including any correspondence, court filings, or other documents addressing the  
10 subject of the interrogatory.

11 RESPONSE: Plaintiffs object to this request because it is duplicative, irrelevant, and the only  
12 relevant information concerning ownership has already been provided to Defendants in  
13 Plaintiffs' Complaint by the ownership deeds produced. Plaintiffs further object to this request  
14 because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory  
15 judgment as to the interest the railroad acquired and what interest the Defendants' currently hold,  
16 as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold.

17  
18 REQUEST FOR PRODUCTION O. Please produce all documents that relate to Interrogatory  
19 No. 13 and the allegation in your complaint that the property you own adjacent to the Corridor  
20 "includes the fee title to all that property to the centerline of the abandoned right-of-way that is  
21 now subject to an easement for an interim trail and possible future railroad reactivation."

22 RESPONSE: *See* response to interrogatory number 13.

1 REQUEST FOR PRODUCTION P. Please produce all documents related to your answer to  
2 Interrogatory 14, including any correspondence, agreements, draft agreements or other  
3 documents addressing the subject of the interrogatory.

4 RESPONSE: Plaintiffs object to this request because it is duplicative, irrelevant, and the only  
5 relevant information concerning ownership has already been provided to Defendants in  
6 Plaintiffs' Complaint by the ownership deeds produced. Plaintiffs further object to this request  
7 because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory  
8 judgment as to the interest the railroad acquired and what interest the Defendants' currently hold,  
9 as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold. Plaintiffs  
10 further object to this request as harassment.

11  
12 REQUEST FOR PRODUCTION Q. Please produce all documents related to your answer to  
13 Interrogatory No. 15, including any correspondence or other documents addressing the subject of  
14 the interrogatory.

15 RESPONSE: *See* response to interrogatory number 15.

16  
17 REQUEST FOR PRODUCTION R. Please produce all photographs, maps, diagrams, sketches,  
18 plans, specifications or drawings in your possession depicting any improvements or landscaping  
19 that are wholly or partially within the portions of the Corridor that are adjacent to any parcel(s)  
20 identified in your answer to Interrogatory No. 1.

21 RESPONSE: Plaintiffs object to this request because it is duplicative, irrelevant, and the only  
22 relevant information concerning ownership has already been provided to Defendants in  
23 Plaintiffs' Complaint by the ownership deeds produced. Plaintiffs further object to this request  
24 because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory  
25

1 judgment as to the interest the railroad acquired and what interest the Defendants' currently hold,  
2 as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold.

3  
4 REQUEST FOR PRODUCTION S: Please produce any correspondence or other documents that  
5 relate to your ownership, use, or possession of the parcel(s) you identify in Interrogatory No. 1,  
6 or the Corridor.

7 RESPONSE: Plaintiffs object to this request because it is duplicative, irrelevant, and the only  
8 relevant information concerning ownership has already been provided to Defendants in  
9 Plaintiffs' Complaint by the ownership deeds produced. Plaintiffs further object to this request  
10 because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory  
11 judgment as to the interest the railroad acquired and what interest the Defendants' currently hold,  
12 as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold.

13  
14 REQUEST FOR PRODUCTION T: Please produce all documents related to your answer to  
15 Interrogatory No. 16, including any correspondence, court filings, or other documents addressing  
16 the subject of the interrogatory.

17 RESPONSE: Plaintiffs object to this request because it is duplicative, irrelevant, and the only  
18 relevant information concerning ownership has already been provided to Defendants in  
19 Plaintiffs' Complaint by the ownership deeds produced. Plaintiffs further object to this request  
20 because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory  
21 judgment as to the interest the railroad acquired and what interest the Defendants' currently hold,  
22 as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold.



1 REQUEST FOR PRODUCTION U. Please produce all documents related to any misdemeanor  
2 or felony conviction that you might have for a crime of dishonesty, including but not limited to,  
3 forgery, fraud, theft, shoplifting, perjury, and/or false swearing.

4 RESPONSE: Plaintiffs object to this request because it is duplicative, irrelevant, and the only  
5 relevant information concerning ownership has already been provided to Defendants in  
6 Plaintiffs' Complaint by the ownership deeds produced. Plaintiffs further object to this request  
7 because it is not legally relevant to the claims in Plaintiffs complaint, specifically declaratory  
8 judgment as to the interest the railroad acquired and what interest the Defendants' currently hold,  
9 as well as legally irrelevant to quiet title and what interest the Plaintiffs currently hold. Plaintiffs  
10 further object as this request is harassment.

11  
12 REQUEST FOR PRODUCTION V. Pleases produce all property tax assessments and  
13 property tax documents that relate to any parcel(s) identified in your answer to Interrogatory  
14 No. 1.

15 RESPONSE: Plaintiffs object to this request because it is irrelevant, and the only relevant  
16 information concerning ownership has already been provided to Defendants in Plaintiffs'  
17 Complaint by the ownership deeds produced. Plaintiffs further object to this request because it is  
18 not legally relevant to the claims in Plaintiffs complaint, specifically declaratory judgment as to  
19 the interest the railroad acquired and what interest the Defendants' currently hold, as well as  
20 legally irrelevant to quiet title and what interest the Plaintiffs currently hold. Plaintiffs further  
21 object as this request is harassment.

22  
23 REQUEST FOR PRODUCTION W. Please produce copies of any title reports that relate to any  
24 parcel(s) identified in your answer to Interrogatory No. 1, including but not limited to any title  
25 reports generated in connection with a mortgage or refinance of your property.



1 RESPONSE: Plaintiffs object to this request because it is irrelevant, and the only relevant  
 2 information concerning ownership has already been provided to Defendants in Plaintiffs'  
 3 Complaint by the ownership deeds produced. Plaintiffs further object to this request because it is  
 4 not legally relevant to the claims in Plaintiffs complaint, specifically declaratory judgment as to  
 5 the interest the railroad acquired and what interest the Defendants' currently hold, as well as  
 6 legally irrelevant to quiet title and what interest the Plaintiffs currently hold. Plaintiffs further  
 7 object as this request is harassment.  
 8

9  
 10 REQUEST FOR PRODUCTION X. Please produce copies of sewer bills or septic pumping  
 11 receipts that relate to any parcel(s) identified in your answer to Interrogatory No. 1.

12 RESPONSE: Plaintiffs object to this request because it is irrelevant, and the only relevant  
 13 information concerning ownership has already been provided to Defendants in Plaintiffs'  
 14 Complaint by the ownership deeds produced. Plaintiffs further object to this request because it is  
 15 not legally relevant to the claims in Plaintiffs complaint, specifically declaratory judgment as to  
 16 the interest the railroad acquired and what interest the Defendants' currently hold, as well as  
 17 legally irrelevant to quiet title and what interest the Plaintiffs currently hold. Plaintiffs further  
 18 object as this request is harassment.  
 19

20 Date: April 27, 2015.

STEWART, WALD & McCULLEY, L.L.C.

21 By /s/ Thomas S. Stewart

22 Thomas S. Stewart  
 23 Elizabeth McCulley  
 24 9200 Ward Parkway  
 25 Suite 550  
 Kansas City, MO 64114

INDIVIDUALLY NAMED PLAINTIFFS' ANSWERS  
 AND OBJECTIONS TO DEFENDANT KING  
 COUNTY'S FIRST SET OF INTERROGATORIES AND  
 REQUESTS FOR PRODUCTION OF DOCUMENTS -  
 2:15-cv-00358-JCC - Page 19

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ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of April 2015, the foregoing was served via U.S. Mail, postage prepaid upon all parties of record.

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David J. Hackett  
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INDIVIDUALLY NAMED PLAINTIFFS' ANSWERS  
AND OBJECTIONS TO DEFENDANT KING  
COUNTY'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS -  
2:15-cv-00358-JCC - Page 20

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CASCADE WATER ALLIANCE

/s/ Thomas S. Stewart

INDIVIDUALLY NAMED PLAINTIFFS' ANSWERS  
AND OBJECTIONS TO DEFENDANT KING  
COUNTY'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS -  
2:15-cv-00358-JCC - Page 21

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VERIFICATION

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

\_\_\_\_\_, on oath and under penalty of perjury, says:

That I am a plaintiff in the above captioned action. I have read Defendant King County's sixteen foregoing interrogatories and answers thereto. The answers to the interrogatories are true and correct to the best of my knowledge and belief.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Plaintiff

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name:

NOTARY PUBLIC in and for the State of Washington, residing at \_\_\_\_\_.

My appointment expires:

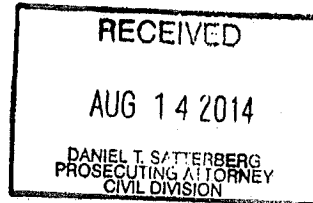
INDIVIDUALLY NAMED PLAINTIFFS' ANSWERS  
AND OBJECTIONS TO DEFENDANT KING  
COUNTY'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS -  
2:15-cv-00358-JCC - Page 22

RODGERS DEUTSCH & TURNER, P.L.L.C.  
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# EXHIBIT C



Kansas City | St. Louis | Overland Park, KS



**Elizabeth G. McCulley**  
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mcculley@bscr-law.com  
Kansas City Office

**August 13, 2014**

Andrew W. Marcuse  
King County Prosecuting Attorney's Office  
500 4<sup>th</sup> Ave, Suite 900  
Seattle, WA 98104-5039

Via UPS Overnight Delivery

Re: *Kaseburg v. Port of Seattle, et al.*  
Case No. 2:14-CV-000784-JCC

Dear Andrew:

Enclosed please find Plaintiffs' Index, Claims Book, and parcel maps with claimants identified for *Kaseburg v. Port of Seattle, et al.*, pursuant to our July 31, 2014 meet and confer. Plaintiffs' Index identifies each of the parcels associated with each Plaintiff and, for each identified parcel, sets forth (1) the owner of the parcel, (2) the local Assessor Parcel Number, and (3) the address for the parcel or parcels. The index is organized alphabetically and each Plaintiff is assigned a number.

The Claims Book features a tab for each of the Plaintiffs' numbers set forth in the class index. Beneath each tab, we provide (1) the current deed(s) or instrument(s) showing ownership in the parcel; (2) the most recent parcel report from the County Assessor; (3) a County Assessor map of the parcel; and (4) the original conveyance document naming or involving Burlington Northern Sante Fe Railroad or any of its predecessors relating to each parcel. Also, we have provided a global map all parcels to you with identification of each claimant relative to the railroad right-of-way.

If you have any questions, please let me know.

Very truly yours,

BAKER STERCHI COWDEN & RICE, L.L.C.

A handwritten signature in cursive script that reads 'Elizabeth G. McCulley'.

Elizabeth G. McCulley